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CHILD SUPPORT ENFORCEMENT PROGRAM

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Illinois Department of Public Aid

Title IV-D of the Social Security Act requires that all states have an effective child support enforcement program. The official child support agency for the State of Illinois is the Bureau of Child Support of the Department of Public Aid.

SERVICES AVAILABLE

Through the Bureau of Child Support the State of Illinois provides a parent location service which searches state and federal records in an attempt to locate an absent parent whose whereabouts are unknown. In conjunction with law enforcement officials and the court system, the Bureau of Child Support offers a child support enforcement service which:

1) Establishes the paternity of children born out of wedlock;
2) Obtains court orders for child support; and
3) Refers parents who are delinquent in their child support payments to the courts for legal enforcement.

AFDC APPLICANTS AND RECIPIENTS

If you are applying for or receiving Aid to Families with Dependent Children because one or both of the parents is absent from the home, you are required to cooperate with the Illinois Department of Public Aid's Child Support Enforcement Program. Under State law, by your application for or receipt of assistance, you automatically assign your rights to support for yourself and your children to the Department. This means that the Department of Public Aid has the right to any support money you might receive from an absent parent of the children for whom you are applying or receiving assistance. As a condition of your eligibility for assistance (but not the children's eligibility) you must cooperate with the Department of Public Aid in:

1) Identifying and locating the absent parent(s) of the child(ren),
2) Establishing the paternity of a child born out of wedlock,

3) Mailing child support which you receive from an absent parent to the Department, and
4) Obtaining child support payments or any other payments or property for any person applying for AFDC.

You must cooperate with the family support specialist, your caseworker and any other representative of the child support program. Your cooperation is a condition of your own eligibility for AFDC. If, for a good reason, you cannot keep your appointment, you must call the family support specialist before your appointment so other arrangements can be made. If you receive child support from an absent parent for a child applying for or receiving AFDC, you will receive a report form during the application process and thereafter as necessary . On this form you are to indicate the amount of support received, from whom it was received and for which child(ren). You mail the form and all the support received from the absent parent to: Title IV-D Accounting, P.O. Box 909, Springfield, Illinois 62705-0909. Endorse all checks and money orders to/or make them payable to: ILLINOIS DEPARTMENT OF PUBLIC AID. Do not send cash. If you do not report and send this report and send this support promptly and accurately, your caseworker will be notified and your AFDC grant may be affected.

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CLAIM FOR EXEMPTION FROM COOPERATION IN OBTAINING CHILD SUPPORT

While it does not affect your children's eligibility, your decision to cooperate with the Child Support Enforcement Program directly affects any benefits for which you personally may be eligible. If you have failed or refused to cooperate, you will find that your own needs have not been included in the assistance grant you receive for your children.

According to a federal law, if you can show that you did not cooperate with the Child Support Enforcement Program for a good cause, you will not be penalized. However, you are required to provide the Department of Public Aid with the evidence necessary to prove why you cannot cooperate. Or you must present sufficient information to help the Department investigate your situation. This information might include the absent parent's name and address, or other pertinent facts. Upon request, your local public aid office will assist you in obtaining the necessary evidence.

The Department will decide whether or not there has been good cause for your non-cooperation. This decision will be made on the basis of evidence you supply, investigation of information you provide, or a combination of both.

CAUSE FOR EXEMPTION
Physical or emotional harm to the child or caretaker relative
Conceived as a result of forcible rape or incest
Adoption proceedings pending
Counseling regarding adoption

You will not have to cooperate in establishing paternity or obtaining support payments for your children if:

1) your cooperation might possibly result in: physical or emotional harm to the children, or physical or emotional harm to you, which might reduce your ability to care for the children.
2) The child involved was conceived as a result of forcible rape or incest,
3) Adoption proceedings in court are pending, or
4) You are currently being counseled by a public or licensed social agency to decide whether or not you should keep your children. This counseling must not last more than three months.

The above information will be weighed to determine whether your cooperation would be detrimental to the children.

EVIDENCE
Court, medical, criminal, child protective services, psychological, or law enforcement records which indicate that the absent parent might inflict physical or emotional harm on the child or you; Medical records which include the emotional health history and present emotional health of the child or you; or Written diagnosis or prognosis from a mental health professional indicating the emotional health of the child or you.
Birth certificates, medical or enforcement records which indicate the child was conceived as a result of forcible rape or incest.
Court documents or other records to indicate legal adoption procedures are pending.
Written statement from public or licensed private social agency.

The parent will not be contacted by the Department unless necessary to prove your claim. You will be notified prior to an attempted contract so you may present additional evidence or withdraw your application for AFDC.

If you do not qualify for an exemption, you must cooperate with the program to remain eligible. The Bureau of Child Support may review the basis for exempting you from cooperation. Then the Bureau may participate in fair hearings concerning the exemption issue.

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EVIDENCE

The federal government has set certain standards for establishing good cause for noncooperation. Refer to the chart for a listing of evidence which does not require further investigation by the Department.

CHILD SUPPORT PAYMENTS

If the Department enforces the child support order(s) and the current monthly child support received by the Department is more than the monthly assistance grant, your AFDC case will be cancelled. Excess child support received during the time your AFDC case was active will be distributed to you. If your public assistance case is cancelled, these same services are available upon making application for Non-AFDC Child Support Enforcement Services.

NON-ASSISTANCE CHILD SUPPORT ENFORCEMENT PROGRAM

The Bureau of Child Support provides child support enforcement services to non-assistance custodial parents who apply. This includes absent parent location, paternity establishment, child support order establishment, and enforcement services. There is presently no fee for these services.

To learn more about this Program, or to arrange an appointment to apply for this Program, contact your local public aid office and ask for the family support specialist. In Cook County, phone (312) 580-3030 for an appointment.

INCOME WITHHOLDING LAW

Public Act 83-658, effective January 1, 1984, allows for the withholding of child support from the income of absent parents delinquent in their child support payments. Child Support orders entered in Illinois after January 1, 1984 are accompanied by an income withholding order that is not activated until the absent parent is delinquent in payments equal to a minimum of one month's child support. If there has been no change in circumstances, no payment in full of the delinquency or no dispute over the amount of the delinquency, the income withholding order may be served to the absent parent's employer for regular withholding of current child support due, plus a minimum of 10% of the delinquency until paid off.

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The Illinois Department of Public Aid does not discriminate in admission to, or treatment or employment in programs or activities in compliance with the Illinois Human Rights Act, the Illinois Constitution, the U.S. Civil Rights Act, Section 504 of the Rehabilitation Act, as amended, and the U.S. Constitution.

Illinois Department of Public Aid